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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/021,517 | 10/29/2001 | Colin P. Hart | 1001.1430101 | 8623 |

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EXAMINER

BROWN, MICHAEL A

| ART UNIT | PAPER NUMBER |
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3764

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

15/02517

Applicant(s)

Colin P. Hart et al

Examiner

Michael Brown

Group Art Unit

3264

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- Of the above claim(s) 19 is/are withdrawn from consideration.
- ☒ Claim(s) 10-18 is/are allowed.
- ☒ Claim(s) 1-9 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fina.

Fina discloses in figures 1-2 a dual balloon valve control system comprising a bifurcated tubular member (fig. 1) defining a first fluid line 7, having a proximal and distal end (fig. 1), a second fluid line 16, having a proximal end and a distal end (fig. 1), a finger grip 17, a one-way stopcock 21, in the first line and a one-way stopcock 18 in the second line.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fina in view of Gaiser.

Fina discloses in figures 1-2 a dual balloon valve system, substantially as claimed. However, Fina does not disclose a three-way stopcock disposed about the

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bifurcation point. Gaiser teaches in figure 1 a proximal manifold comprising a three-way stopcock located at a bifurcation point (col. 4, lines 28-30). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the three-way stopcock as taught by Gaiser could be substituted for the one-way stopcock disclosed by Fina in order to allow flow from a third line.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fina in view of Landman EP '158.

Fina discloses in figures 1-2 a dual balloon valve system, substantially as claimed. However, Fina, does not disclose a pressure indicating means on the first or the second line. Landman teaches in figures 1-5 a bifurcated catheter comprising a pressure indicating means 54 that can be connected to a first line (fig. 5) or a second line (fig. 5). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the pressure indicating means as taught by Landman could be used to measure the amount of pressure on either the first or the second lines disclosed by Fina.

Allowable Subject Matter

Claims 10-18 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schock and Tu , each discloses a dual balloon catheter.

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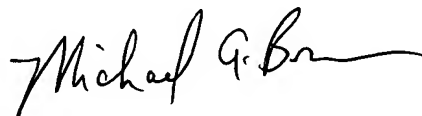
Although each of these references discloses structural limitations recited in the claims, neither was used to reject any claims, in the first office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 703-308-2682. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 703-308-2698. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

M. Brown
January 10, 2004



MICHAEL A. BROWN
PRIMARY EXAMINER